

PROCEDURES RELATING TO UNDISCLOSED
PARTICIPATION IN DOMESTIC ORGANIZATIONS

For the purpose of implementing Sections 2-207 and 2-307 of the Executive Order 12036, the Director of Central Intelligence (DCI) has established and the Attorney General has approved the following procedures relating to undisclosed participation in any organization within the United States by employees of the Central Intelligence Agency (CIA), acting on behalf of the CIA or Office of the DCI.

PROHIBITIONS

1. Except as it may be found by the Deputy Director of Central Intelligence (DDCI) to be essential to achieve a lawful purpose, no CIA employee, acting on behalf of CIA or the Office of the DCI, may join or otherwise participate in any organization within the United States, without disclosing his CIA affiliation to appropriate officials of the organization. (Such participation is referred to in these procedures as "undisclosed participation.")
2. Except in the case of an organization that is composed primarily of individuals who are not United States persons and is reasonably believed to be acting on behalf of a foreign power, as determined by the Attorney General, no undisclosed participation may be undertaken for the purpose of influencing either the goals or activities of an organization or the organizational activities of its members.
3. A CIA employee may not falsely represent that he is employed by an organization within the United States unless appropriate officials of the organization have consented to such representation.
4. A CIA employee will not ask or cause another person to undertake on behalf of CIA or the Office of the DCI any activity prohibited by these procedures or any permitted activity except pursuant to these procedures.
5. CIA will not retain or disseminate outside CIA, or to users within CIA, nonpublicly available information concerning United States persons acquired through undisclosed participation except as provided in Attorney General-approved CIA procedures governing the collection, storage and dissemination of such information concerning such persons.

PERMITTED ACTIVITIES

6. Undisclosed participation is permissible if it is determined by the DDCI to be essential to achieve a lawful purpose. Any such determination by the DDCI

is subject to review by the Attorney General, although it does not require such review.

7. The following purposes of undisclosed participation are deemed to be lawful and permissible:

- a. to obtain training or education relevant to CIA employment;
- b. to obtain publications of organizations whose membership is open to the general public;
- c. to maintain or enhance the professional qualifications of CIA employees, and to make it possible for them to stay abreast of scientific, technical or economic information or developments in their fields of expertise;
- d. to maintain the cover of CIA facilities which are not publicly acknowledged as such by the United States Government;
- e. to develop associations and credentials to be utilized in the collection of foreign intelligence or counterintelligence,* as for example by joining an organization to which an employee would ordinarily be expected to belong if his cover employment were his true employment; or
- f. to develop sources or contacts where there is a reasonable belief that a member of the organization or the organization itself may be a potential source or contact: Provided, however, that an investigation of a United States person as a potential source or contact must conform to the Attorney General-approved procedures for the collection, storage and dissemination of nonpublicly available information.

8. Other purposes of undisclosed participation may be deemed to be lawful and permissible if:

- a. The Attorney General finds that the organization involved is composed primarily of individuals who are not United States persons and that there are reasonable grounds to believe it is acting on behalf of a foreign power; and
- b. The Attorney General approves the purpose of the undisclosed participation.

*The collection of information by the CIA within the United States and the conduct of counterintelligence by the CIA within the United States are the subjects of other procedures.

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In determining whether an undisclosed participation is essential to achieve a lawful purpose, the DDCI will take into account the following considerations:

- a. the importance of the activity;
- b. whether the purpose could be served if affiliation with CIA were disclosed;
- c. whether the cover of CIA employees or facilities would be compromised or jeopardized if affiliation with CIA were disclosed;
- d. whether CIA sponsorship of contracts or projects would be compromised if affiliation with CIA were disclosed, but only to the extent that such sponsorship may properly be concealed;
- e. whether CIA's level of expertise in a particular field would be revealed, but only to the extent that there are valid reasons for concealing such information; and
- f. any adverse consequences, including embarrassment to any other person, that might result from the undisclosed participation; and whether such consequences outweigh the importance of the activity.

APPROVAL PROCEDURES FOR PERMITTED ACTIVITIES

10. Recommendations to the DDCI for his approval of undisclosed participation need not be made on an individual case-by-case basis. Such recommendations may cover classes or categories of cases. Each recommendation will contain a statement of the facts and circumstances relied upon to support a determination by the DDCI that the undisclosed participation is essential to achieve one of the lawful purposes noted in paragraph 7 above, in light of the considerations noted in paragraph 9 above.

11. All recommendations to the DDCI for his determination that an undisclosed participation is essential to achieve a lawful purpose shall be forwarded through the General Counsel, CIA.

12. All recommendations to the Attorney General to approve an undisclosed participation for the purpose of influencing either the goals or activities of an organization or the organizational activities of its members will be made by the DDCI and will contain a statement of the facts and circumstances relied upon to support such participation and a statement of the facts and circumstances relied upon to support a determination that the organization is composed primarily of individuals who are not United States persons and is believed to be acting in behalf of a foreign power.

13. Where necessary, a recommendation to the Attorney General or the DCI may be oral, and authorization may also be oral, but in these circumstances the recommendation will otherwise be in conformance with these procedures and will be confirmed as promptly as possible in writing.

14. All determinations made under these procedures shall be valid for no more than twelve months after which a renewal shall be required for continuation of an undisclosed participation.

15. Nothing in these procedures shall prohibit the retention or dissemination of information necessary for the purpose of determining or assuring that the requirements of these procedures are satisfied.

INTERPRETATION

16. All questions as to the coverage and interpretation of these procedures will be resolved by the General Counsel, CIA, in consultation where necessary, with the Department of Justice. The DCI may modify these procedures upon the express approval of the Attorney General.

DEFINITIONS

17. For the purposes of this approval:

a. "Organization within the United States" includes unincorporated associations, including legal entities of all types (partnerships, clubs, charitable and fraternal groups, and other similar types of groups), organized in the United States or substantially composed of United States citizens or aliens admitted for permanent residence and corporations incorporated in the United States. Such term does not include a foreign branch of an organization located in the United States or an organization located outside the United States which is affiliated with an organization located in the United States.

b. "Appropriate officials of the organization" means any official of the organization reasonably believed to be authorized to act on behalf of the organization in relation to the activity in question.

c. "Employee" means a person employed by, assigned to, or acting for the CIA or the Office of the DCI.

d. "Foreign Intelligence" means information relating to the capabilities, intentions and activities of foreign powers, organizations or persons, but not including counterintelligence except for information on international terrorist activities.

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e. "Counterintelligence" means information gathered and activities conducted to protect against espionage and other clandestine intelligence activities, sabotage, international terrorist activities or assassinations conducted for or on behalf of foreign powers, organizations or persons, but not including personnel, physical, document, or communications security programs.

f. "United States," when used to describe a place, includes the territories of the United States.

g. "United States person" means

(1) a citizen of the United States;

(2) an alien lawfully admitted for permanent residence, provided that an alien outside the United States may be presumed not to be a United States person until information to the contrary is obtained and provided, further, that an alien known to have been admitted for permanent residence may be presumed to have lost status as a United States person after one year of continuous residence outside the United States until information indicating an intent to return to the United States as a permanent resident alien is obtained;

(3) an unincorporated association organized in the United States or substantially composed of United States citizens or aliens lawfully admitted for permanent residence, provided that unincorporated associations outside the United States may be presumed not to be United States persons until information to the contrary is obtained; or

(4) a corporation incorporated in the United States. A corporation or corporate subsidiary incorporated abroad, even if partially or wholly owned by a corporation incorporated in the United States, is not a United States person.

A person in the United States shall be presumed to be a United States person unless information to the contrary is obtained.

h. "Foreign power" means any foreign government, foreign political party, faction, military force, foreign terrorist group, or any organization composed, in major part, of any such entity.

i. "Director of Central Intelligence" and "DCI" includes the Acting Director of Central Intelligence.

j. "Deputy Director of Central Intelligence" and "DDCI" includes the Acting Deputy Director of Central Intelligence.

k. "Attorney General" includes the Acting Attorney General.

1. "Users within CIA" means any CIA employee not authorized to have access to the information for the purpose of determining whether the requirements of these procedures are satisfied. The only persons so authorized are:

- (1) the person initially acquiring the information;
- (2) a person in the direct chain of command, both abroad and within the United States, of the person initially acquiring the information; and
- (3) specifically designated officers. The Office of General Counsel will be apprised, and will maintain a list of such designees.

Date

Director of Central Intelligence

I approve the foregoing procedures in accordance with subsection 2-207 of Executive Order 12036. In my opinion undisclosed participation by CIA employees in domestic organizations conducted pursuant to and in accordance with these procedures is lawful. Based on the authorities of the Constitution, the statutes of the United States, and Executive Order 12036, it is my opinion that these procedures form the exclusive authority by which CIA employees may participate in organizations within the United States without disclosing their true employment affiliation.

Date

Attorney General